



Atwood Mobile Products

Engineered Systems & Components

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U.S. Department of Transportation
Docket Management, Room PL-401
400 Seventh St., SW
Washington, DC 20590

COMMENTS OF ATWOOD MOBILE PRODUCTS
REGARDING NHTSA'S ADVANCE NOTICE OF
PROPOSED RULEMAKING ON
EARLY WARNING REPORTING REQUIREMENTS
UNDER THE TREAD ACT
DOCKET NUMBER: NHTSA-2001-8677 - 9

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Atwood Mobile Products, Inc., (Atwood) is a major supplier of a variety of component products to the Recreational Vehicle Industry, including jacks and couplers for trailer tongues, water heaters, furnaces, seat tracks, seat recliners, seat belts, shoulder harnesses and related anchorage systems. These products are incorporated into the manufacture of single-stage vehicles (e.g. travel trailers), and final-stage vehicles (e.g. motorhomes and van conversions).

Atwood appreciates the opportunity to offer its comments and recommendations in response to NHTSA's ANPRM on "early warning" reporting requirements under the Transportation Recall Enhancement, Accountability and Documentation ("TREAD") Act. The responses below relate to those questions proposed by NHTSA, which are germane to Atwood. We will preface our comments with a brief overview. H.R. 5164 allows for the amendment of Title 49, U.S. Code.

Section 30166 of Title 49 is amended by adding the Early Warning Reporting Requirements. Elements of warranty and claims data are more specifically spelled out under section (m) (3)(A)(i) and (ii). Further enabling is given to NHTSA under (m)(1)(B) OTHER DATA, in that it states “...to the extent that such information may assist in the identification of defects related to motor vehicle safety...” Also, as defined in (m)(4)(D) entitled BURDENSOME REQUIREMENTS, it states that in the enactment of new rules “...the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer’s cost of complying with such requirements and the Secretary’s ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety”.

Death and Serious Injury Reporting should be the Vehicle Manufacturers Responsibility

Recreational vehicle manufacturers typically incorporate the products of a myriad of suppliers in their final stage manufacturing process. Recreational vehicle purchasers experiencing serious injury or death situations will most likely be in contact with the final stage manufacturer, at least as an initial contact. It is the nameplate of the final stage manufacture that is the “attention getter” during such a serious incident, not necessarily the individual product supplier. The most valuable and extensive data will be gleaned, analyzed and screened for potential safety defects initially at this level. Further, it is only through extensive and complete investigation that credible understanding can be gained. More often than not, such claims result in lawsuits involving extensive and protected discovery processes. Any requirements in this category must be seriously approached and precisely defined by NHTSA. Given the potential for criminal liability for failing

to report fully and accurately, it is even more of utmost importance for NHTSA to clearly and accurately define requirements. However, we believe the avenue for such input to NHTSA would place the final stage manufacturer in the best position to meet reporting obligations under the TREAD ACT.

Warranty Reporting would be Burdensome for the Recreational Vehicle Industry

Regarding warranty data, property damage claims, field reports, consumer complaints, customer satisfaction campaigns and remedy failures, typically any data gained by the supplier and often final stage manufacturer is either vague, unverifiable, or simply lacking in the ability to confirm actual or patterns of alleged problem solidarity.

Further, there is no single entity in the Recreational Vehicle Industry that has complete access to the warranty data. We have manufacturers of vehicles that provide no warranty, others pass through supplier's warranties and bypass the vehicle manufacturer, others assume complete warranty responsibility for every component in the vehicle. We supply RV Manufacturers who build as few as fifty units a year and others who build tens of thousands of units and others in between. Obviously, this environment does not lend itself to standardized warranty reporting procedures.

We do not believe it would be adding usefulness to the goals of the rulemaking process for such volumes of uncertain data to be required. The process of gathering this data by the diverse parties involved in the Recreational Vehicle business would be difficult if not impossible. We believe the burdensome requirements spelled out in the act must be considered by NHTSA as it relates to

any requirements for warranty data collection imposed on the Recreational Vehicle Industry.

Confidentiality

Much of the information that NHTSA is considering to require in its early warning reports involves trade secrets or information (such as customer names) that raises privacy concerns. While Atwood believes that privacy concerns can be established, it would be a serious injustice and burden to any company to have such information made public. The potential harm from inappropriate release of this information could be substantial. Atwood urges NHTSA to continue its practice of carefully controlling access to information submitted by manufacturers and suppliers with regard to the defect investigation program. NHTSA should treat the information that it receives under early warning reporting requirements with the same high degree of care and seriousness that it would in the case of information relating to a compliance investigation, especially since the information provided to NHTSA would probably contain a large amount of information that has not been substantiated or validated.

We would further argue that NHTSA consider the potential for this data to be accessed by the legal community, where it could be used as one of the basis for litigation against the party that provided it to NHTSA. Such a situation could place a manufacturer in double jeopardy; at risk of a TREAD ACT violation if the data is not provided, while at risk of litigation if the data is provided and accessed by the legal community.

Conclusion

In promulgating and implementing regulations for the submission of early warning reports, NHTSA must focus on responsible reporting accomplished in a manner benefiting the public, not act as a detriment. Extensive reporting requirements of data by companies that can and will be misunderstood, interpreted in subjectively differing degrees, or simply misinterpreted, would be a totally incorrect and inappropriate approach for NHTSA to take. As stated earlier, given the potential for criminal liability for failing to report fully and accurately, NHTSA must clearly and accurately define the requirements to be imposed so that reporting obligations can be manifestly understood and not be burdensome on the parties on which it is imposed.



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